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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,571	05/14/2001	Miroslav Trajkovic	US010245***	8114

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EXAMINER

TABATABAI, ABOLFAZL

ART UNIT PAPER NUMBER

2625

DATE MAILED: 02/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/854,571

Applicant(s)

MIROSLAV TRAJKOVIC ET AL

Examiner

Abolfazl Tabatabai

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 May 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,4.                      6) ☐ Other:

## **DETAILED ACTION**

### **Claim Rejections - 35 USC § 103**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beardsley (U S 6,647,142 B1) in view of Ito et al (U S 6,546,115 B1).

Regarding claim 1, Beardsley discloses Badge identification system wherein comprising:

imaging at least two scenes of a space to produce first and second images (column 1, lines 47-52 and column 3, lines 18-24);

generating an output indicating said at least one of a number of persons in said scenes and a value dependent thereon (column 6, lines 1-8 and 54-61).

However, Beardsley is silent about the specific details regarding the step of:

calculating from a result of said imaging at least one of a number of persons in said scenes and a value dependent thereon;

In the same filed of endeavor, however, Ito discloses an image monitoring system using an image pickup device such as a camera conventionally been widely used comprising the step of:

calculating from a result of said imaging at least one of a number of persons in said scenes and a value dependent thereon (column 5, lines 6-11 and column 8, lines 25-35).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use calculating from result of imaging as taught by Ito in the system of Beardsley because Ito provides Beardsley a system capable of rapidly updating the background image in accordance with the brightness or intensity value change of an input image using an image memory of a small capacity and also the reference background image can be updated within a shorter time.

Regarding claim 2, Beardsley discloses Badge identification system wherein said output includes a display showing a map of said gathering place (column 6, lines 1-8 and 54-61).

Regarding claim 3, Beardsley discloses Badge identification system wherein said map display is overlaid with a graphic indication of a result of said step of calculating (column 4, lines 16-23).

Regarding claim 4, Beardsley discloses Badge identification system wherein said step of generating includes generating an output at an exhibition- like event for use by visitors thereof (column 6, lines 58-61).

4. Claims 5-8,11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Przygoda, Jr. et al (U S 6,373,389 B1) in view of Kerner et al (U S 6,587,779 B1).

Regarding claim 5, Przygoda discloses event driven information system comprising:

a controller with an input adapted to receive video data responsive to multiple scenes of visitors of an exhibition-like event, each scene being of a different respective physical location of said exhibition-like event (column 4, lines 7-14 and column 9, lines 45-58);

said display being located at an exhibition-like event for use by visitors thereof (column 22, lines 13-18).

However, Przygoda is silent about the specific details regarding the step of:

said controller being programmed to generate an output on a display indicating a current density of occupancy of said space responsively to said video data;

In the same filed of endeavor, however, Kerner discloses traffic surveillance method and vehicle flow control in a road network comprising the step of:

said controller being programmed to generate an output on a display indicating a current density of occupancy of said space responsively to said video data (column 7, lines 62-67);

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use density of occupancy as taught by Kerner in the system of Przygoda because Kerner provides Przygoda a system which achieves a high degree of efficiency of a monitored section of the traffic system, with relatively little expenditure.

Claim 6, is similarly analyzed as claim 5 above.

Regarding claim 7, Przygoda discloses event driven information system wherein said output includes a text or audio message indicating a recommended one of said respective physical locations (column 22, lines 54-64).

Claim 8, is similarly analyzed as claim 6 above.

Claim 11, is similarly analyzed as claim 5 above.

Claim 12, is similarly analyzed as claim 6 above.

5. Claims 9,10,13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Przygoda, Jr. et al (U S 6,373,389 B1) and Kerner et al (U S 6,587,779 B1) as applied to claims 5,11 and further in view of McDonald (U S 6,211,781 B1).

Regarding claim 9, Przygoda and Kerner are silent about the specific details regarding the step of a pan-tilt-zoom (PTZ) video camera, said video data being derived from said PTZ video camera, said controller being programmed to operate said PTZ video camera.

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In the same filed of endeavor, however, McDonald discloses a system for tracking and locating a moveable article comprising a pan-tilt-zoom (PTZ) video camera, said video data being derived from said PTZ video camera, said controller being programmed to operate said PTZ video camera (column 11, lines 52-57).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use density of occupancy as taught by McDonald in the system of Przygoda because McDonald provides Przygoda a system for tracking and locating a moveable article and may also record the identification signals in real-time or a period of time to track the location of the article through the sectors.

Regarding claim 10, Przygoda and Kerenr are silent about the specific details regarding the step of output is a wireless signal readable by a portable terminal.

In the same filed of endeavor, however, McDonald discloses a system for tracking and locating a moveable article comprising the step of output is a wireless signal readable by a portable terminal (column 4, lines 19-26).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a wireless signal readable as taught by McDonal in the system of Przygoda because McDonald provides Przygoda a system for tracking and locating a moveable article and may also record the identification signals in real-time or a period of time to track the location of the article through the sectors.

Claim 13, is similarly analyzed as claim 10 above.

Claim 14, is similarly analyzed as claim 9 above.

6. Claim 15, is rejected under 35 U.S.C. 103(a) as being unpatentable over Przygoda, Jr. et al (U S 6,373,389 B1) and Kerner et al (U S 6,587,779 B1) as applied to claim 11, and further in view of Ito et al (U S 6,546,115 B1).

Regarding claim 15, Przygoda and Kerner are silent about the specific details regarding the step of calculating includes updating a background image and subtracting said background image from a current video image.

In the same field of endeavor, however, Ito discloses an image monitoring system using an image pickup device such as a camera conventionally been widely used comprising the step of:

calculating includes updating a background image and subtracting said background image from a current video image (column 4, lines 19-30).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use calculating from result of imaging as taught by Ito in the system of Przygoda because Ito provides Przygoda a system capable of rapidly updating the background image in accordance with the brightness or intensity value change of an input image using an image memory of a small capacity and also the reference background image can be updated within a shorter time.

### **Citation of Relevant Prior Art**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jain et al (U S 5,416,532) disclose multi-perspective viewer for content-based interactivity.



King (U S 4,038,633) discloses detection system for automobiles and other motor-driven objects.

Lang (U S 5,508,737) discloses remote video viewing and recording system for remotely occurring events.

### **Contact Information**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ABOLFAZL TABATABAI whose telephone number is (703) 306-5917.

The examiner can normally be reached on Monday through Friday from 9:30 a.m. to 7:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Mehta Bhavesh M, can be reached at (703) 308-5246.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abolfazl Tabatabai  
Patent Examiner  
Group Art Unit 2625  
February 4, 2004

  
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